

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 12, Page 1, Section A, Line 4, by inserting  
2 after all of said section and line the following:  
3

4 "32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of  
5 revenue shall not release the home address of or any information that identifies any vehicle owned or  
6 leased by any person who is a county, state or federal parole officer, a federal pretrial officer, a peace  
7 officer pursuant to section 590.010, a person vested by article V, section 1 of the Missouri  
8 Constitution with the judicial power of the state, a member of the federal judiciary, or a member of  
9 such person's immediate family contained in the department's motor vehicle or driver registration  
10 records, based on a specific request for such information from any person. Any such person may  
11 notify the department of his or her status and the department shall protect the confidentiality of the  
12 home address and vehicle records on such a person and his or her immediate family as required by  
13 this section. [If such member of the judiciary's status changes and he or she and his or her immediate  
14 family do not qualify for the exemption contained in this subsection, such person shall notify the  
15 department and the department's records shall be revised.] This section shall not prohibit the  
16 department from releasing information on a motor registration list pursuant to section 32.055 or from  
17 releasing information on any officer who holds a class A, B or C commercial driver's license  
18 pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

19 43.518. 1. There is hereby established within the department of public safety a "Criminal  
20 Records and Justice Information Advisory Committee" whose purpose is to:

21 (1) Recommend general policies with respect to the philosophy, concept and operational  
22 principles of the Missouri criminal history record information system established by sections 43.500  
23 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history  
24 record information maintained by the central repository;

25 (2) Assess the current state of electronic justice information sharing; and

26 (3) Recommend policies and strategies, including standards and technology, for promoting  
27 electronic justice information sharing, and coordinating among the necessary agencies and  
28 institutions; and

29 (4) Provide guidance regarding the use of any state or federal funds appropriated for  
30 promoting electronic justice information sharing.

31 2. The committee shall be composed of the following officials or their designees: the director  
32 of the department of public safety; the director of the department of corrections and human  
33 resources; the attorney general; the director of the Missouri office of prosecution services; the  
34 president of the Missouri prosecutors association; the president of the Missouri court clerks  
35 association; the chief clerk of the Missouri state supreme court; the director of the state courts  
36 administrator; the chairman of the state judicial record committee; the chairman of the [circuit court  
37 budget] court automation committee; the presidents of the Missouri peace officers association; the

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Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

57.095. Notwithstanding section 537.600, sheriffs or any other law enforcement officers shall have immunity from any liability, civil or criminal, while conducting service of process at the direction of any court to the extent that the officers' actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known."; and

Further amend said bill, Section 56.807, Page 3, Line 74, by inserting after all of said section and line the following:

"432.047. 1. For the purposes of this section, the term "credit agreement" means an agreement to lend or forbear repayment of money, to otherwise extend credit, or to make any other financial accommodation.

2. A debtor may not maintain an action upon or a defense, regardless of legal theory in which it is based, in any way related to a credit agreement unless the credit agreement is in writing, provides for the payment of interest or for other consideration, [and] sets forth the relevant terms and conditions, and the credit agreement is executed by the debtor and the lender.

3. (1) [If] When a written credit agreement has been signed by a debtor, subsection 2 of this section shall not apply to any credit agreement between such debtor and creditor unless such written credit agreement contains the following language in boldface ten-point type: "Oral or unexecuted agreements or commitments to loan money, extend credit or to forbear from enforcing repayment of a debt including promises to extend or renew such debt are not enforceable, regardless of the legal theory upon which it is based that is in any way related to the credit agreement. To protect you (borrower(s)) and us (creditor) from misunderstanding or disappointment, any agreements we reach covering such matters are contained in this writing, which is the complete and exclusive statement of the agreement between us, except as we may later agree in writing to modify it."

(2) Notwithstanding any other law to the contrary in this chapter, the provisions of this section shall apply to commercial credit agreements only and shall not apply to credit agreements for personal, family, or household purposes.

4. Nothing contained in this section shall affect the enforceability by a creditor of any promissory note, guaranty, security agreement, deed of trust, mortgage, or other instrument, agreement, or document evidencing or creating an obligation for the payment of money or other financial accommodation, lien, or security interest.

443.723. 1. To meet the annual continuing education requirements referred to in sections 443.701 to 443.893, a licensed mortgage loan originator shall complete at least eight hours of education approved in accordance with subsection 2 of this section, which shall include at least:

- 1 (1) Three hours of federal law and regulations;
- 2 (2) Two hours of ethics, which shall include instruction on fraud, consumer protection, and
- 3 fair lending issues; [and]
- 4 (3) Two hours of training related to lending standards for the nontraditional mortgage
- 5 product marketplace; and
- 6 (4) One hour of Missouri law and regulations.

7 2. For purposes of subsection 1 of this section, continuing education courses shall be  
 8 reviewed, and approved by the NMLSR based upon reasonable standards. Review and approval of a  
 9 continuing education course shall include review and approval of the course provider.

10 3. Nothing in this section shall preclude any education course, as approved by the NMLSR,  
 11 that is provided by the employer of the mortgage loan originator or person who is affiliated with the  
 12 mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or  
 13 person.

14 4. Continuing education may be offered either in a classroom, online, or by any other means  
 15 approved by the NMLSR.

16 5. A licensed mortgage loan originator:

17 (1) Shall only receive credit for a continuing education course in the year in which the  
 18 course is taken except in the case of an expired license and under subsection 9 of this section; and

19 (2) Shall not take the same approved course in the same or successive years to meet the  
 20 annual requirements for continuing education.

21 6. A licensed mortgage loan originator who is an approved instructor of an approved  
 22 continuing education course may receive credit for the licensed mortgage loan originator's own  
 23 annual continuing education requirement at the rate of two hours credit for every one hour taught.

24 7. A person having successfully completed the education requirements approved by the  
 25 NMLSR in subdivisions (1) to (3) of subsection 1 of this section for any state shall be accepted as  
 26 credit towards completion of continuing education requirements in Missouri.

27 8. A licensed mortgage loan originator who subsequently becomes unlicensed shall complete  
 28 the continuing education requirements for the last year in which the license was held prior to  
 29 issuance of a new or renewed license.

30 9. A person meeting the requirements of subdivisions (1) and (3) of subsection 2 of section  
 31 443.719 may make up any deficiency in continuing education as established by rule of the director.

32 452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable visitation  
 33 rights unless the court finds, after a hearing, that visitation would endanger the child's physical health  
 34 or impair his or her emotional development. The court shall enter an order specifically detailing the  
 35 visitation rights of the parent without physical custody rights to the child and any other children for  
 36 whom such parent has custodial or visitation rights. In determining the granting of visitation rights,  
 37 the court shall consider evidence of domestic violence. If the court finds that domestic violence has  
 38 occurred, the court may find that granting visitation to the abusive party is in the best interests of the  
 39 child.

40 (2) (a) The court shall not grant visitation to the parent not granted custody if such parent or  
 41 any person residing with such parent has been found guilty of or pled guilty to any of the following  
 42 offenses when a child was the victim:

43 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,  
 44 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,  
 45 566.209, 566.212, or 566.215;

46 b. A violation of section 568.020;

47 c. A violation of subdivision (2) of subsection 1 of section 568.060;

48 d. A violation of section 568.065;

- e. A violation of section 568.080;
- f. A violation of section 568.090; or
- g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in granting visitation to a parent not granted custody if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

(3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access

1 motion with the court stating the specific facts which constitute a violation of the judgment of  
 2 dissolution, [or] legal separation or judgment of paternity. The state courts administrator shall  
 3 develop a simple form for pro se motions to the aggrieved person, which shall be provided to the  
 4 person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved  
 5 parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance  
 6 shall be conspicuously posted in the clerk's offices. The location of the office where the family  
 7 access motion may be filed shall be conspicuously posted in the court building. The performance of  
 8 duties described in this section shall not constitute the practice of law as defined in section 484.010.  
 9 Such form for pro se motions shall not require the assistance of legal counsel to prepare and file.  
 10 The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil  
 11 action in the circuit court.

12 4. Within five court days after the filing of the family access motion pursuant to subsection 3  
 13 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and  
 14 applicable local or supreme court rules. A copy of the motion shall be personally served upon the  
 15 respondent by personal process server as provided by law or by any sheriff. Such service shall be  
 16 served at the earliest time and shall take priority over service in other civil actions, except those of an  
 17 emergency nature or those filed pursuant to chapter 455. The motion shall contain the following  
 18 statement in boldface type:

19 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE  
 20 CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND  
 21 TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

- 22 (1) AN ORDER FOR A COMPENSATORY  
 23 PERIOD OF CUSTODY, VISITATION OR  
 24 THIRD-PARTY CUSTODY AT A TIME  
 25 CONVENIENT FOR THE AGGRIEVED  
 26 PARTY NOT LESS THAN THE PERIOD OF  
 27 TIME DENIED;
- 28 (2) PARTICIPATION BY THE VIOLATOR IN  
 29 COUNSELING TO EDUCATE THE  
 30 VIOLATOR ABOUT THE IMPORTANCE OF  
 31 PROVIDING THE CHILD WITH A  
 32 CONTINUING AND MEANINGFUL  
 33 RELATIONSHIP WITH BOTH PARENTS;
- 34 (3) ASSESSMENT OF A FINE OF UP TO FIVE  
 35 HUNDRED DOLLARS AGAINST THE  
 36 VIOLATOR;
- 37 (4) REQUIRING THE VIOLATOR TO POST  
 38 BOND OR SECURITY TO ENSURE  
 39 FUTURE COMPLIANCE WITH THE  
 40 COURT'S ORDERS;
- 41 (5) ORDERING THE VIOLATOR TO PAY THE  
 42 COST OF COUNSELING TO REESTABLISH  
 43 THE PARENT-CHILD RELATIONSHIP  
 44 BETWEEN THE AGGRIEVED PARTY AND  
 45 THE CHILD; AND
- 46 (6) A JUDGMENT IN AN AMOUNT NOT LESS  
 47 THAN THE REASONABLE EXPENSES,  
 48 INCLUDING ATTORNEY'S FEES AND

1 COURT COSTS ACTUALLY INCURRED BY  
 2 THE AGGRIEVED PARTY AS A RESULT OF  
 3 THE DENIAL OF CUSTODY, VISITATION  
 4 OR THIRD-PARTY CUSTODY."

5  
 6 5. If an alternative dispute resolution program is available pursuant to section 452.372, the  
 7 clerk shall also provide information to all parties on the availability of any such services, and within  
 8 fourteen days of the date of service, the court may schedule alternative dispute resolution.

9 6. Upon a finding by the court pursuant to a motion for a family access order or a motion for  
 10 contempt that its order for custody, visitation or third-party custody has not been complied with,  
 11 without good cause, the court shall order a remedy, which may include, but not be limited to:

12 (1) A compensatory period of visitation, custody or third-party custody at a time convenient  
 13 for the aggrieved party not less than the period of time denied;

14 (2) Participation by the violator in counseling to educate the violator about the importance of  
 15 providing the child with a continuing and meaningful relationship with both parents;

16 (3) Assessment of a fine of up to five hundred dollars against the violator payable to the  
 17 aggrieved party;

18 (4) Requiring the violator to post bond or security to ensure future compliance with the  
 19 court's access orders; and

20 (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child  
 21 relationship between the aggrieved party and the child.

22 7. The reasonable expenses incurred as a result of denial or interference with custody or  
 23 visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or  
 24 third-party custody, shall be assessed, if requested and for good cause, against the parent or party  
 25 who unreasonably denies or interferes with visitation, custody or third-party custody. In addition,  
 26 the court may utilize any and all powers relating to contempt conferred on it by law or rule of the  
 27 Missouri supreme court.

28 8. Final disposition of a motion for a family access order filed pursuant to this section shall  
 29 take place not more than sixty days after the service of such motion, unless waived by the parties or  
 30 determined to be in the best interest of the child. Final disposition shall not include appellate review.

31 9. Motions filed pursuant to this section shall not be deemed an independent civil action  
 32 from the original action pursuant to which the judgment or order sought to be enforced was entered.

33  
 34 453.040. The consent to the adoption of a child is not required of:

35 (1) A parent whose rights with reference to the child have been terminated pursuant to law,  
 36 including section 211.444 or section 211.447 or other similar laws in other states;

37 (2) A parent of a child who has legally consented to a future adoption of the child;

38 (3) A parent whose identity is unknown and cannot be ascertained at the time of the filing of  
 39 the petition;

40 (4) A man who has not been established to be the father and who is not presumed by law to  
 41 be the father, and who, after the conception of the child, executes a verified statement denying  
 42 paternity and disclaiming any interest in the child and acknowledging that this statement is  
 43 irrevocable when executed and follows the consent as set forth in section 453.030;

44 (5) A parent or other person who has not executed a consent and who, after proper service of  
 45 process, fails to file an answer or make an appearance in a proceeding for adoption or for termination  
 46 of parental rights at the time such cause is heard;

47 (6) A parent who has a mental condition which is shown by competent evidence either to be  
 48 permanent or such that there is no reasonable likelihood that the condition can be reversed and which

renders the parent unable to knowingly provide the child the necessary care, custody and control;

(7) A parent who has for a period of at least six months, for a child one year of age or older, or at least sixty days, for a child under one year of age, immediately prior to the filing of the petition for adoption, willfully abandoned the child or, for a period of at least six months immediately prior to the filing of the petition for adoption, willfully, substantially and continuously neglected to provide him with necessary care and protection;

(8) A man who has reason to believe he is the biological father of an unborn child and who attempted to coerce the mother of the child to obtain an abortion;

(9) A parent whose rights to the child may be terminated for any of the grounds set forth in section 211.447 and whose rights have been terminated after hearing and proof of such grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed as a count in an adoption petition.

476.057. 1. The state courts administrator shall determine the amount of the projected total collections of fees pursuant to section 488.015, payable to the state pursuant to section 488.023, or subdivision (4) of subsection 2 of section 488.018; and the amount of such projected total collections of fees required to be deposited into the fund in order to maintain the fund required pursuant to subsection 2 of this section. The amount of fees payable for court cases may thereafter be adjusted pursuant to section 488.015, as provided by said section. All proceeds of the adjusted fees shall thereupon be collected and deposited to the state general revenue fund as otherwise provided by law, subject to the transfer of a portion of such proceeds to the fund established pursuant to subsection 2 of this section.

2. There is hereby established in the state treasury a special fund for purposes of providing training and education for judicial personnel, including any clerical employees of each circuit court clerk. Moneys from collected fees shall be annually transferred by the state treasurer into the fund from the state general revenue fund in the amount of no more than two percent of the amount expended for personal service by state and local government entities for judicial personnel as determined by the state courts administrator pursuant to subsection 1 of this section. Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the state general revenue fund, until the amount in the fund exceeds two percent of the amounts expended for personal service by state and local government for judicial personnel.

3. In addition, any moneys received by or on behalf of the state courts administrator from fees, grants, or any other sources in connection with providing training to judicial personnel shall be deposited in the fund provided, however, that moneys collected in the fund in connection with a particular purpose shall be segregated and shall not be disbursed for any other purpose.

4. The state treasurer shall administer the fund and, pursuant to appropriations, shall disburse moneys from the fund to the state courts administrator in order to provide training and to purchase goods and services determined appropriate by the state courts administrator related to the training and education of judicial personnel. As used in this section, the term "judicial personnel" shall include court personnel as defined in section 476.058, and judges."; and

Further amend said bill, Section 488.026, Page4, Line 12, by inserting after all of said section and line the following:

"488.2250. [For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five-line page for the original of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand

margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which the court reporter shall receive two dollars per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court] 1. For all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter the sum provided in subsection 1 of this section.

513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or



an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan [or] , profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no

1 amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is  
 2 fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated  
 3 within three years prior to the commencement of such proceedings. For the purposes of this section,  
 4 when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then  
 5 treated as though the funds had never been contributed to the plan, contract, or trust;

6 (11) The debtor's right to receive, or property that is traceable to, a payment on account of  
 7 the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably  
 8 necessary for the support of the debtor and any dependent of the debtor.

9 2. Nothing in this section shall be interpreted to exempt from attachment or execution for a  
 10 valid judicial or administrative order for the payment of child support or maintenance any money or  
 11 assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary  
 12 in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of  
 13 1986, as amended.

14 537.602. 1. As used in this section the following terms shall mean:

15 (1) "Community service work", any work which is performed without compensation and is  
 16 required in exchange for deferred prosecution of any criminal charge by any federal, state, or local  
 17 prosecutor under a written agreement;

18 (2) "Entity", includes any person, for profit or not-for-profit business, agency, group, charity,  
 19 organization, or any unit of federal, state or local government or any of their employees.

20 2. Any entity which supervises community service work performed as a requirement for  
 21 deferment of any criminal charge under a written agreement with a federal, state, or local prosecutor,  
 22 or any entity which derives benefits from the performance of community service work shall be  
 23 immune from any suit by the person performing the community service work or by any person  
 24 deriving a cause of action from the person performing the community service work if that cause of  
 25 action arises from the supervision of the work performed, except that the entity supervising the work  
 26 shall not be immune from any suit for gross negligence or for an intentional tort.

27 3. Community service work shall not be deemed employment within the meaning of the  
 28 provisions of chapter 288 and a person performing community service work under the provisions of  
 29 this section shall not be deemed an employee within the meaning of the provisions of chapter 287.  
 30 545.417. Any party who takes a deposition in any criminal case shall be responsible for the costs of  
 31 providing one copy of the transcript of such deposition to the opposing party."; and

32  
 33 Further amend said bill, Page 4, Section 537.865, Line 6, by inserting after all of said section and  
 34 line the following:

35  
 36 "565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes  
 37 the death of another person after deliberation upon the matter.

38 2. Murder in the first degree is a class A felony, and, if a person has reached his or her  
 39 eighteenth birthday at the time of the commission of the crime, the punishment shall be either death  
 40 or imprisonment for life without eligibility for probation or parole, or release except by act of the  
 41 governor; except that, if a person has not reached his or her [sixteenth] eighteenth birthday at the  
 42 time of the commission of the crime, the punishment shall be either imprisonment for life without  
 43 eligibility for probation or parole, or release except by act of the governor, or life imprisonment with  
 44 eligibility for parole after fifty years.

45 3. If the person has not reached his or her eighteenth birthday at the time of the commission  
 46 of the crime, the court shall hold a hearing upon the motion of the prosecuting attorney to determine  
 47 whether the mandatory sentence of life imprisonment should be without the possibility of parole or  
 48 with eligibility for parole after fifty years. Such motion shall be filed within fourteen days of the

1 person's conviction. In the event the prosecuting attorney does not file such a motion within  
 2 fourteen days, the sentence shall be life with eligibility for parole after fifty years.

3 4. The motion of the prosecuting attorney shall specify the basis on which he or she believes  
 4 the proper sentence shall be life without the possibility of parole.

5 5. At such hearing, the court shall consider both the statutory aggravating circumstances  
 6 under subsection 2 of section 565.032 and the statutory mitigating circumstances under subsection 3  
 7 of section 565.032.

8 6. At the sentencing, the court shall specify on the record the statutory aggravating  
 9 circumstances and the statutory mitigating circumstances considered by the court, and the court's  
 10 reasons supporting the sentence imposed. The court may consider evidence presented at trial  
 11 together with any new evidence presented at the sentencing hearing.

12 7. The procedures specified in subsections 3, 4, 5 and 6 of this section shall not apply to any  
 13 case that is final for purposes of appeal on or before the enactment date of this section. A case is  
 14 final for purposes of appeal when the time for filing an appeal in the Missouri Court of Appeals has  
 15 expired; if an appeal was filed in the Missouri Court of Appeals, when the time for filing an  
 16 application for transfer to the Missouri Supreme Court has expired; if an application for transfer to  
 17 the Missouri Supreme Court has been filed, when the application for transfer was denied or when a  
 18 timely filed motion for rehearing was denied; or if the Missouri Supreme Court granted transfer,  
 19 when the Missouri Supreme Court rendered its decision or when a timely filed motion for rehearing  
 20 was denied.

21 8. Any person sentenced to imprisonment for life without the eligibility for probation or  
 22 parole for a crime committed before the person reached his or her eighteenth birthday, and who was  
 23 sentenced prior to the effective date of this section, may file a motion in the sentencing court for a  
 24 sentencing hearing. Such sentencing hearing shall be heard by the judge. The sole purpose of the  
 25 sentencing hearing shall be to determine if the sentence of imprisonment for life without the  
 26 eligibility for probation or parole which was originally imposed shall remain or should be amended  
 27 to life with eligibility for parole after fifty years.

28 9. This section shall have an emergency clause and shall be effective upon signature by the  
 29 governor."; and

30  
 31 Further amend said bill, Section C, Page 14, Lines 1-6, by deleting all of said section and lines and  
 32 inserting in lieu there of the following:

33  
 34 "Section C. Because immediate action is necessary to protect public safety and to ensure the  
 35 constitutionality of statutes regarding criminal procedure for juvenile offenders and quality of  
 36 representation of indigent criminal defendants the enactment of sections 537.865, 565.020, and  
 37 600.053 of section A of this act is deemed necessary for the immediate preservation of the public  
 38 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning  
 39 of the constitution, and the enactment of sections 537.865, 565.020, and 600.053 of section A of this  
 40 act shall be in full force and effect upon its passage and approval."; and

41  
 42 Further amend said bill by amending the title, enacting clause, and intersectional references  
 43 accordingly.  
 44